

108TH CONGRESS
1ST SESSION

H. CON. RES. 330

Expressing the concern of Congress regarding human rights violations committed against lesbians, gay men, bisexuals, and transgendered (LGBT) individuals around the world based on their real or perceived sexual orientation or gender identity.

IN THE HOUSE OF REPRESENTATIVES

NOVEMBER 19, 2003

Mr. LANTOS (for himself, Mr. SHAYS, Mr. FRANK of Massachusetts, Mr. GEPHARDT, Mr. KUCINICH, Mr. MORAN of Virginia, Mr. HINCHEY, Mr. PALLONE, Mr. MATSUI, Ms. NORTON, Ms. LEE, Mr. ABERCROMBIE, Mr. McNULTY, Mr. DELAHUNT, Mr. ENGEL, Mr. McDERMOTT, Mr. McGOVERN, Mr. BERMAN, Ms. SCHAKOWSKY, Mr. GEORGE MILLER of California, Ms. SLAUGHTER, Mr. CONYERS, Mr. BRADY of Pennsylvania, Mr. CROWLEY, Mr. EVANS, Mr. JACKSON of Illinois, Ms. MILLENDER-McDONALD, Mr. LEWIS of Georgia, Mr. WEINER, Mrs. MALONEY, Ms. WOOLSEY, Mr. FROST, Mr. STARK, Mr. LEVIN, Mr. FILNER, Mr. ALLEN, Mr. CAPUANO, Mr. OLVER, Mr. WEXLER, Mr. SANDERS, Ms. MCCOLLUM, Mr. GRIJALVA, Mr. GONZALEZ, Mr. OWENS, Ms. BALDWIN, and Ms. MAJETTE) submitted the following concurrent resolution; which was referred to the Committee on International Relations

CONCURRENT RESOLUTION

Expressing the concern of Congress regarding human rights violations committed against lesbians, gay men, bisexuals, and transgendered (LGBT) individuals around the world based on their real or perceived sexual orientation or gender identity.

- 1 *Resolved by the House of Representatives (the Senate*
- 2 *concurring),*

1 **SECTION 1. SHORT TITLE.**

2 This concurrent resolution may be cited as the
3 “International Human Rights Equality Resolution”.

4 **SEC. 2. FINDINGS.**

5 Congress finds the following:

6 (1) International treaties, conventions, and dec-
7 larations to which the United States is a party es-
8 tablish binding government obligations to combat
9 international human rights violations, and the over-
10 all goals and compliance with the standards of these
11 treaties, conventions, and declarations are an inte-
12 gral part of United States domestic and foreign pol-
13 icy.

14 (2) Articles 3 and 5 of the 1948 Universal Dec-
15 laration of Human Rights and Articles 6, 7, and 9
16 of the 1966 International Covenant on Civil and Po-
17 litical Rights guarantee all individuals the right to
18 life, liberty, and security of person, and guarantee
19 that no one shall be subjected to torture or to cruel,
20 inhuman, or degrading treatment or punishment,
21 and the 1984 Convention against Torture and Other
22 Cruel, Inhuman or Degrading Treatment or Punish-
23 ment reinforces the commitment of countries to pre-
24 vent torture within their jurisdictions.

25 (3) Articles 2 and 7 of the Universal Declara-
26 tion of Human Rights and Articles 2, 14, and 26 of

1 the International Covenant on Civil and Political
2 Rights guarantee all individuals freedom from arbitrary
3 discrimination and equal protection before the
4 law.

5 (4) Articles 19 and 20 of the Universal Declaration
6 of Human Rights and Articles 19 and 22 of
7 the International Covenant on Civil and Political
8 Rights guarantee all individuals freedom of expression
9 and association.

10 (5) On April 24, 2003, the United States voted
11 for United Nations Human Rights Commission Resolution
12 2003/53, which in section 5 “[r]eaffirms the
13 obligation of States to ensure the protection of the
14 inherent right to life of all persons under their jurisdiction
15 and calls upon States concerned to investigate promptly
16 and thoroughly all cases of killings committed in the name
17 of passion or in the name of honour, all killings committed
18 for any discriminatory reason, including sexual orientation”.

19 (6) The Amici Curiae brief filed with the
20 United States Supreme Court in the case of *Lawrence v. Texas*
21 (2003) by Mary Robinson, the former United Nations
22 High Commissioner for Human Rights, Amnesty International
23 USA, Human Rights Watch, Interights, Lawyers Committee for Human
24 Rights, and the Human Rights Foundation.

1 Rights, and Minnesota Advocates for Human
 2 Rights, authoritatively lays out the globally accepted
 3 protections of privacy and equal protection under
 4 international and foreign national laws. Specifically,
 5 the brief establishes that international courts and
 6 treaty bodies have construed the equal treatment
 7 provisions of almost every major international
 8 human rights treaty to ban discrimination based on
 9 sexual orientation.

10 (7) While full equal protection and an end to all
 11 discrimination of lesbians, gay men, bisexuals, and
 12 transgendered individuals have not been achieved in
 13 the United States, Justice Kennedy, writing for the
 14 majority in *Lawrence v. Texas*, cited the Robinson
 15 brief and upheld those international principals.

16 (8) The fundamental human right not to be ar-
 17 bitrarily deprived of life is violated when lesbians,
 18 gay men, bisexuals, and transgendered individuals
 19 (hereafter referred to as “LGBT individuals”) are
 20 victims of extra judicial, summary, and arbitrary
 21 executions for consensual adult same sex relations
 22 by state and non-state actors with impunity in coun-
 23 tries such as Guatemala, Chile, Honduras and El
 24 Salvador.

1 (9) The fundamental human right not to be ar-
2 bitrarily deprived of life is further threatened when
3 countries such as Saudi Arabia, Yemen, Mauritania,
4 and Iran call for the possible execution of those con-
5 victed of consensual adult same sex relations.

6 (10) The fundamental right not to be subjected
7 to torture or other cruel, inhuman, or degrading
8 treatment is violated when the criminal laws in a
9 number of countries such as Malaysia, Saudi Arabia,
10 and Iran sanction corporal punishment including
11 whipping and flogging and other forms of torture for
12 individuals convicted of consensual adult same sex
13 relations.

14 (11) The fundamental right not to be subjected
15 to torture or other cruel, inhuman, or degrading
16 treatment is violated when LGBT individuals are
17 subjected to severe beatings while in police custody
18 in countries such as Argentina, Mexico, Nepal and
19 Uganda, and individuals in these groups are also
20 routinely the victims of human rights abuses, such
21 as extortion, entrapment, physical assaults, and
22 rape, committed by the security officials in Egypt,
23 Zimbabwe, and Ecuador, among other countries.

24 (12) The fundamental right not to be subjected
25 to arbitrary discrimination and arrest is violated in

1 countries such as Uzbekistan, Malaysia, Uganda,
 2 and Kuwait, when their penal laws criminalize same-
 3 sex behavior between consenting adults.

4 (13) The fundamental rights not to be sub-
 5 jected to arbitrary discrimination and arrest are fur-
 6 ther violated when countries such as Egypt maintain
 7 deliberately vague laws which penalize offences such
 8 as “habitual debauchery” and the vagueness of these
 9 laws makes their enforcement difficult to monitor.

10 (14) The fundamental rights of freedom of ex-
 11 pression and association are violated when countries
 12 deny the right of LGBT individuals to form organi-
 13 zations or advocate for their rights or to threaten in-
 14 dividuals who have expressed intentions to do so.
 15 The Government of Zambia has threatened individ-
 16 uals of the Zambian Lesbian, Gay and Transgender
 17 Association (LEGATRA) with arrest, members of
 18 the Gays and Lesbians of Zimbabwe (GALZ) have
 19 also been threatened and also brutally assaulted, and
 20 nongovernmental LGBT advocacy organizations in
 21 Namibia were harassed and threatened by the gov-
 22 ernment.

23 (15) In some countries, agents of the govern-
 24 ment are directing or are complicitous in abuses
 25 committed on the basis of sexual orientation and

gender identity, and investigation and prosecution of those agents for these violations of international law often do not occur. Due to the failure by governments to investigate and prosecute human rights violations based on sexual orientation and gender identity, private individuals feel encouraged to attack violently LGBT individuals with impunity, contributing to an atmosphere of fear and intimidation for LGBT individuals.

(16) The human rights violations that lesbian and bisexual women suffer because of their real or perceived sexual identity are particularly vitriolic because of their gender, and, moreover, the aggravated abuse of these women often goes unreported because of their gender.

SEC. 3. DECLARATION OF POLICY.

Congress—

(1) condemns all violations of internationally recognized human rights norms based on the real or perceived sexual orientation or gender identity of an individual;

(2) recognizes that the protection of sexual orientation and gender identity is not a special category of human rights, but is fully embedded in the overall human rights norms set forth in international

1 law, including the international conventions to which
2 the United States is a party;

3 (3) affirms that human rights abuses abroad
4 based on sexual orientation and gender identity
5 should be punished without discrimination and clas-
6 sified as crimes and that such violations should be
7 given the same consideration and concern as human
8 rights abuses based on other grounds;

9 (4) commends the United Nations and non-
10 governmental human rights organizations, including
11 Amnesty International, Human Rights Watch, and
12 the International Gay and Lesbian Human Rights
13 Commission, for documenting the ongoing abuses of
14 human rights on the basis of sexual orientation and
15 gender identity; and

16 (5) calls on the Department of State to con-
17 tinue to improve its documentation of human rights
18 abuses on the basis of sexual orientation and gender
19 identity, to give such violations the same consider-
20 ation and concern as all other human rights abuses,
21 and to develop a comprehensive strategy to combat
22 such abuses abroad.

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